



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/841,360

04/24/2001

Franc J. Camara

205716

6257

23460

7590

08/23/2006

LEYDIG VOIT & MAYER, LTD
TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO, IL 60601-6780

EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/841,360		CAMARA	
	Examiner		Art Unit	
	Steven P. Sax		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined. The amendment filed 5/06 has been entered.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinson et al (6144391) and Nemiroff et al (US 2002/0075399).

4. Regarding claim 1, Hinson et al show the method for presenting a video stream captured by a video streaming device having no captured image storage (Figure 2, column 4 lines 1-30 and 40-50 – the store is separate from the video streaming device itself and this is one of the purposes of the invention), including: presenting a view of the video stream currently captured by the video streaming device to the user (column 7 lines 10-20), contemporaneously presenting images previously captured by the video streaming device to the user (column 7 lines 25-45, column 8 lines 42-60). Nemiroff et al do not go into the specific details of the device itself being a video capturing device that is capturing while it is presenting the previously captured images,

but do mention efficient storage and presentation coordination. Furthermore, Nemiroff et al do show the video capturing device which captures while it presents previously captured images, for efficient coordination of storage and presentation (Figures 1-2, para 9, 24, 27, 36). It would have been obvious to a person with ordinary skill in the art to have this in Hinson et al, because it would allow efficient coordination of storage and presentation.

5. Regarding claim 2, note the medium (such as Hinson et al column 6 lines 15-20).

6. Regarding claim 3, the captured images are retrieved from a storage location accessible by a computer and presented to the user on the display of the computer (Hinson et al Figure 4, column 7 lines 55-67, column 8 lines 42-65).

7. Regarding claim 4, the storage location is a virtual folder (Hinson et al column 10 lines 25-35).

8. Regarding claim 5, a user interface is displayed to the user having a streaming video display area in which the view of the video stream is displayed and a captured image display area in which the previously captured images are displayed (Hinson et al column 8 lines 49-65, column 10 lines 40-50, column 11 lines 10-28).

9. Regarding claim 6, the interface has a control for capturing a still image from the view of the video stream being displayed, and in response to activating the control, capturing the still image and adding it to the previously captured images (Hinson et al column 8 lines 42-65, column 10 lines 25-45).

10. Claim 7 shows the same features as claim 6 and is rejected for the same reasons.

11. Regarding claim 8, there may be a break in communication between the video streaming device and the computer between the time that the previously captured images were taken and the time the view is presented (Hinson et al column 9 lines 3-21 and 45-61).

12. Regarding claim 9, the computer may be turned off between the time that the previously captured images were taken and the time the view is presented (Hinson et al column 9 lines 3-21 and 45-61).

13. Regarding claim 10, in addition to that mentioned for claim 1, note the folder that normally holds icons and displaying the icon to preview the video stream with the previously captured images (Hinson et al column 8 lines 28-42).

14. Regarding claim 11, note the medium (such as Hinson et al column 6 lines 15-20).

15. Regarding claim 12, the interface has a control for capturing a still image from the view of the video stream being displayed, and in response to activating the control, capturing the still image and adding it to the previously captured images (Hinson et al column 8 lines 42-65, column 10 lines 25-45).

16. Regarding claim 13, the streaming video device is recognized as one from which images have been previously captured, and still images from storage locations are retrieved (Hinson et al column 7 lines 5-25).

17. Claims 14-16 show the same features as claims 1-2 and 6 respectively, and are rejected for the same reasons.

18. Regarding claim 17, software modules have a still image processing layer for processing the user captured image and presenting it to other software modules (Hinson et al column 7 lines 20-35 and column 9 lines 30-45).

19. Regarding claim 18, the software modules have a filter module for determining whether the video streaming device has a still image pin and if so exposes

the device to the still image processing layer as a still image device (Hinson et al column 7 lines 20-46, column 8 lines 42-65, column 10 lines 25-45).

20. Regarding claim 19, the file management software module represents the video streaming device and further reinforces the illusory concept that the previously captured images were stored on the device itself (Hinson et al column 7 lines 25-45, column 8 lines 42-60, column 10 lines 25-35).

21. Regarding claim 20, the user selects the video streaming device using the file management software module which retrieves the previously captured images and presents them to the user as if they were stored on the device itself (Hinson et al column 10 lines 20-40).

22. Regarding claim 21, the medium has means for storing the previously captured images (Hinson et al column 5 lines 45-55 or column 6 lines 1-20 for example).

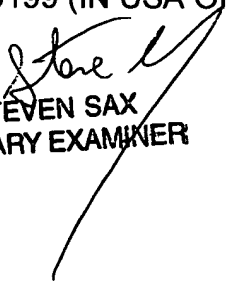
23. Regarding claim 22, the storing means is a virtual folder (Hinson et al column 10 lines 25-35).

24. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


STEVEN SAX
PRIMARY EXAMINER
